

## Section One: A Flawed Law

The 1994 law banned specific assault weapons by name—e.g. UZI, Avtomat Kalashnikov (AK-47), AR-15—as well as their “copies or duplicates.” The law also classifies as assault weapons semiautomatic firearms that can accept a detachable ammunition magazine and have two additional assault weapon design characteristics. But immediately after the 1994 law was enacted, the gun industry evaded it by making slight, cosmetic design changes to banned weapons—including those banned by name in the law—and continued to manufacture and sell these “post-ban” or “copycat” guns.

***“...the Kalashnikov [AK-47], in various forms and guises, has flourished. Today there are probably more models, accessories and parts to choose from than ever before.”***

***Gun World, August 2001***

Changes that allow an assault weapon to stay on the market can be as minor as removing a flash suppressor at the end of a gun’s barrel. The gun industry dubbed this process “sporterization.” Gunmakers’ quick and successful evasion of the law was no secret. In February 1995, just five months after the ban’s enactment, lead sponsor Senator Dianne Feinstein (D-CA), in a *60 Minutes* interview, charged that the industry was violating both “the spirit and intent of the law” and promised, “I can assure you if I can figure a way to stop it, I’ll try to do that.”<sup>1</sup>

In the nearly 10 years following that interview, the situation has gone from bad to worse. Today, of the nine assault weapon brand/types banned by name and manufacturer in the law,<sup>2</sup> six of the brand/types are still marketed in post-ban,

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<sup>1</sup> *60 Minutes*, CBS News Transcripts, Sunday, February 5, 1995. “Does this violate the spirit and intent of the law? Absolutely. Should they be doing this? No. And I think it does say that there are craven interests out there who simply want to use this legislation to profiteer wherever they possibly can. And I can assure you if I can figure a way to stop it, I’ll try to do that.”

<sup>2</sup> The law states, “The term ‘semiautomatic assault weapon’ means—(A) any of the firearms, or copies or duplicates of the firearms in any caliber, known as—(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models); (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta Ar70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR, and FNC; (vi) SWD—10, M-11/9, and M-12; (vii) Steyr AUG; (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and (ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12....”

## Guns Banned by the 1994 Law<sup>3</sup> and Their Legal Counterparts<sup>4</sup>



<sup>3</sup> First horizontal row of chart.

<sup>4</sup> Second and third horizontal rows of chart.

“copycat” configurations.<sup>5</sup> In fact, gunmakers openly boast of their ability to circumvent the ban. Their success is described in an August 2001 *Gun World* magazine article about the Vepr II assault rifle, a “sporterized” version of the AK-47:

In spite of assault rifle bans, bans on high capacity magazines, the rantings of the anti-gun media and the rifle’s innate political incorrectness, the Kalashnikov [AK-47], in various forms and guises, has flourished. Today there are probably more models, accessories and parts to choose from than ever before.

Equally blunt was an article in the May 2003 issue of *Gun World* reviewing a post-ban, AR-15 “copycat,” the LE Tactical Carbine:

Strange as it seems, despite the hit U.S. citizens took with the passage of the onerous crime bill of 1994 [which contained the federal assault weapons ban], ARs are far from dead. Stunned momentarily, they sprang back with a vengeance and seem better than ever. Purveyors abound producing post-ban ARs for civilians and pre-ban models for government and law enforcement agencies, and new companies are joining the fray.

Just such a post-ban AR-type assault rifle, the Bushmaster XM15 M4 A3, was used by the Washington, DC-area snipers to kill 10 and injure three in October 2002. The snipers’ Bushmaster is even marketed as a “Post-Ban Carbine.”

In addition to the threat assault weapons pose to the general public, they continue to pose a unique threat to law enforcement. The May 2003 Violence Policy Center study “*Officer Down—Assault Weapons and the War on Law Enforcement*” (<http://www.vpc.org/studies/officecont.htm>) revealed that, according to Federal Bureau of Investigation data, one in five law enforcement officers (41 of 211) slain in the line of duty from January 1998 through December 2001 were slain with an assault weapon, many of which were “post-ban” models that will remain untouched by a renewal of current law.

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<sup>5</sup> Assault weapons that have not been reintroduced are the Beretta AR70, Street Sweeper and Striker 12 assault shotguns (the latter two guns were re-classified by ATF as subject to the strict regulations of the National Firearms Act of 1934), and Steyr AUG.

